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Before the
Federal Communications Commission
 Washington, DC

Federal Communications Commission
 Office of the Secretary

In the Matter of

**Amendment of Section 73.202(b),
 Table of Allotments,
 FM Broadcast Stations
 (Atwood, Kansas; McCook, Nebraska;
 Burlington and Flagler, Colorado)**

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~~Federal Communication Commission
 Bureau / Office~~

To. Assistant Chief, Audio Division
 Media Bureau

PETITION FOR RULEMAKING

Border Alliance of Broadcasters ("Border"), by its attorney, hereby requests that the Commission amend the Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Atwood, KS	--	280C0
McCook, NE	280C2	292C2
Burlington, CO	281C1	282C1
Flagler, CO	283C3	261C3

In support thereof, the following is stated:

Attached hereto is a Technical Summary which establishes that Channel 280C0 can be allotted to Atwood, Kansas at 39° 49' 38" N, 100° 38' 48" W, which will prevent any shortspacing from occurring with any currently authorized or proposed facility other than a vacant allotment for Channel 280C2 at McCook, Nebraska and the current assignment for Station KNAB-FM, Channel 281C1, Burlington, Colorado. The allotment of Channel 280C0 at Atwood can be accommodated by reallocating vacant Channel 280C2 at McCook to Channel 292C2, and changing its reference

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coordinates to 40° 03' 34" N, 100° 28' 21" W, and by changing the frequency of operation of Channel 282C1, KNAB-FM, Burlington, to Channel 282C1. The channel change for KNAB-FM can be accomplished without the requirement of a tower site change by Station KNAB-FM. Nevertheless, in the event it is the successful bidder for the allotment,¹ as required, Border will reimburse the licensee of KNAB-FM for the reasonable costs incurred in conjunction with changing its frequency of operation.² In order to accommodate the frequency change for KNAB-FM, Border proposes to allot vacant Channel 262C3 to Flagler, Colorado, in lieu of Channel 283C3, utilizing a reference point of 39° 18' 00" N, 102° 57' 16" W.

Adoption of this proposal will be in the public interest. Atwood is the county seat of Rawlins County, with a population of 1,279 persons. The community currently has no local aural service. Therefore, this allotment will satisfy Priority (3) of the FCC's allotment priorities.³

¹ *Smith and Reno, NV, Susanville and Truckee, CA*, 12 FCC Rcd 10218, ¶ 5 (Allocations Branch 1997).

² *Circleville and Columbus, OH*, 8 F.C.C.2d 159 (1968).

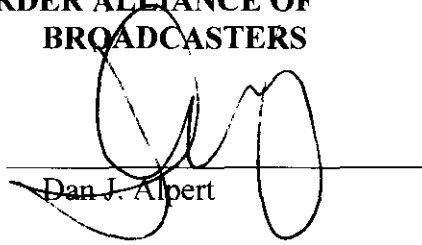
³ *Revision of FM Assignment Policies and Procedures*, 90 F.C.C.2d 88 (1982).

Accordingly, Border respectfully requests that this Petition be adopted, that the Commission amend the FM Table of Allotments to specify the new channel at Atwood, Kansas, and that the Commission request comment on the proposal contained herein.

Respectfully submitted,

**BORDER ALLIANCE OF
BROADCASTERS**

By: _____


Dan J. Alpert

Its Attorney

*The Law Office of Dan J. Alpert
2120 N 21st Rd
Arlington, VA 22201*

703-243-8690

May 5, 2004

Atwood, Kansas 280C0

This petition seeks to add a new station along the Kansas-Nebraska border. It is proposed that this new station be granted to Atwood, Kansas. In order that a wide area coverage signal can be made available at Atwood, several changes are required in the FM band.

Proposed New Allotment: 280C0 (103.9 MHz, 451 or greater meters HAAT) can be approved at 39-49-38 North Latitude and 100-38-48 West Longitude, serving Atwood, with changes to three other facilities. This is also the site of KFNF-FM, Oberlin, KS.

Subsidiary Change #1: Unbuilt allotment 280C2 (103.9) at McCook, NE requires a new frequency. McCook can be operated on 292C2 (106.3) at 40-03-34 North Latitude 100-28-21 West Longitude. This is a site change of 21 kilometers but still easily provides city grade coverage to McCook

Subsidiary Change #2: KNAB-FM, Burlington, CO operates on 281C1 (104.1) and can be moved to 282C1 (104.3) at the same tower site.

Subsidiary Change #3: In order to accommodate the change at KNAB-FM, the vacant channel 283C3 (104.5) at Flagler, CO must be assigned a new channel. Channel 261C3 (100.1) appears suitable. Present channel 283C3 is subject to a site restriction. The substitute channel 261C3 would have a similar site restriction but in the opposite direction. 261C3 can be assigned to Flagler at 39-18-00 North Latitude, 102-57-16 West Longitude.

Summary of Proposed Changes:

<u>City</u>	<u>Present</u>	<u>Proposed</u>	<u>Site</u>
Atwood, KS	---	280C0	39-49-38 N 100-38-48 W
McCook, NE	280C2	292C2	40-3-34 N 100-28-21 W
Burlington, CO	281C1	282C1	Unchanged from License
Flagler, CO	283C3	261C3	39-18-00 N 102-57-16 W

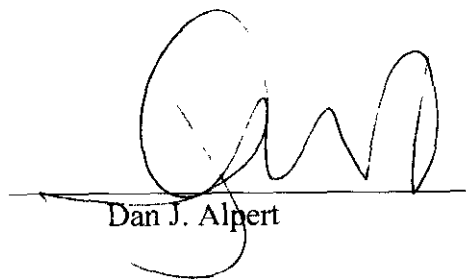
Summary of Service Improvement:

<u>City</u>	<u>Area</u>	<u>Population Gain (Loss)</u>
McCook, NE	2155 sq. km Gain Equals Loss	1891 Gain (2049) Loss
Flagler, CO	1255 sq. km. Gain equals Loss	988 Gain (2162) Loss
Atwood, KS	21275 sq. km Gain	46347 Gain
Net Effect	21275 sq. km Gain	45015 New Int. Free Persons

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that the forgoing Petition for Rulemaking has been served on the following:

KNAB, Inc.
P O. Box 516
17534 Colorado Road
Burlington, CO 80807



Handwritten signature of Dan J. Alpert, consisting of a large 'D' and 'A' followed by a stylized 'J' and 'Alpert'.

Dan J. Alpert